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Congress of the United States  
House of Representatives  
July 19, 2013

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The Honorable Susan Hedman  
Regional Administrator  
U.S. Environmental Protection Agency, Region V  
77 West Jackson Boulevard, # R-19J  
Chicago, IL 60604-3511

RECEIVED  
JUL 25 2013  
U.S. EPA REGION 5  
OFFICE OF REGIONAL ADMINISTRATOR

Dear Administrator Hedman,

I want to first thank you for taking the time to meet with me on July 17th to discuss the work that the EPA is doing in my district, and in particular, Ashland County. It's encouraging that we can both call Ashland home and that we both have a vested interest in improving the lives of people who live there.

As I mentioned in our meeting, one concern that my constituents have raised has been persistent water quality violations by the Bad River Tribe of Lake Superior Chippewa. It is my understanding that the Bad River Tribe is under consideration for a renewal of National Pollutant Discharge Elimination System (NPDES) wastewater discharge permits for three of its wastewater treatment plants, which would be issued by the EPA.

It has been brought to my attention that the Bad River Tribe has been cited for numerous violations under their discharge permit numbered WI0036587 between the years of 2007 and 2012. This includes 38 violations for excessive levels of E. coli, 33 violations for excessive levels of phosphorus, and numerous violations for failures to file reports, particularly regarding the level of suspended solids in wastewater. The excess levels of E. coli, phosphorus, and suspended solids can pose serious health risks, result in increased algae blooms, and devastate aquatic species.

In addition, information on the discharge levels for two other Bad River facilities that are up for renewal are not currently available, as reports are not required for these two facilities. I am concerned that these facilities may have similar problems with compliance. This continuous status of non-compliance with wastewater treatment standards is troubling and unacceptable.

As the Co-Chair of the Great Lakes Task Force and as an elected official representing northern Wisconsin and the shore of Lake Superior, I take it upon myself to ensure that our resources, including our Great Lakes, are adequately protected from pollution and violations of the Clean Water Act. I would expect that the EPA would also take this responsibility seriously. Unfortunately, I understand that no official enforcement action has been taken in the last five years and that the last date of inspection for this facility was last century - in May of 1999.

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To that end, I would like to know the following:

- What is the current status of the NPDES application for permits numbered WI-0036544-4, WI-0036579-4, and WI-0036587-4?
- When were inspections last conducted on all three of these facilities, and what did these inspections entail?
- How long have EPA officials known about these repeated violations and what actions have been taken to assist with bringing these wastewater treatment plants into compliance with their permits?
- What enforcement measures, if any, has the EPA considered and/or taken to prevent the repeated violations of these permits?
- What plans are currently in place to ensure that these plants are brought into compliance with permitted discharge levels and what can I do to assist in this effort?

I expect these questions would be answered before any further action is taken on the reissuance of these permits. I look forward to your response on this important issue and your willingness to these concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean P. Duffy". The signature is stylized with a large, looped "D" and a long, sweeping underline.

Sean P. Duffy  
Member of Congress

CC: Tinka Hyde, EPA Region 5, Water Division Director